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UNITED STATES BANKRUPTCY COURT
DISTRICT OF HAWAII
1132 Bishop Street, Suite 250
Honolulu, Hawaii 96813

hib_4001-1cs (12/09)

Debtor: Ward Hiroshi Yamamoto

Case No.: **23-00600**

Joint Debtor:
(if any)

Chapter: **13**

COVER SHEET - MOTION FOR RELIEF FROM STAY

Instructions: Complete A. for all motions. Complete B. if seeking to enforce security interest. Complete C. if motion concerns a lease. Complete D. for other types of relief. Complete E. if seeking extraordinary relief.

Hearing Date: **01/16/2024**

Time: **09:30 AM**

A. Relief sought under ☒ 11 U.S.C. § 362(d) – Automatic Stay ☒ 11 U.S.C. § 1301(c) – Chapter 13 Codebtor Stay

Movant: The Bank of New York Mellon, F/K/A The Bank of New York as trustee for registered Holders of CWABS, Inc., Asset-Backed Certificates, Series 2006-23

Role (mortgagee, lessor, agent, plaintiff, etc.): Mortgagee

☒ Debtor's principal residence

Subject Matter (real/personal property, litigation, etc.): 99-526 Aiea Heights Drive, Aiea, HI 96701-3517
(use address/TMK/vehicle ID, etc.)

If pending litigation, last major prepetition event:
(decree of foreclosure, writ of possession, etc.)

B. Security Interest (mortgage, lien, etc.)

Movant's lien position (1st, 2nd, etc.): 1st

Date of loan: 12/28/2006

Maturity date:

Original amt: \$ 910,000.00

Principal bal: \$ 906,660.83

Interest, late fees, etc.: \$972,446.51

Monthly pmt: \$ N/A

Prepetition arrears: \$ 1,061,126.07

Postpetition arrears: \$ 38,293.00

Debtor's valuation in schedules: \$ 2,000,000.00

Movant's valuation (if different): \$

List all encumbrances:

Sr. lien: Movant

\$ 1,879,107.34

2nd lien: Department of Tax - State of HI

\$ 99,507.00

Total other liens: Hawaii Schools FCU, Internal Revenue Service

\$ 110,404.00

Add all liens

\$ 2,089,018.34

C. Lease

Date of lease: N/A

Payment: \$ N/A per N/A

Prepetition arrears: \$ N/A

Postpetition arrears: \$ N/A

D. Other Describe relief sought, title of action and court of any litigation, and any applicable insurance:
For order terminating or modifying the automatic stay to proceed with foreclosure and to obtain possession of the subject property; that the order be binding and effective despite any conversion; waiver of the 14-day stay described by Bankruptcy Rule 4001(a)(3); exemption from further compliance with Fed. Rule Bankr P. 3002.1.

E. Extraordinary relief requested: ☐ Retroactive relief ☐ "in rem" relief ☒ No stay of order

The above information summarizes allegations in attached motion. /s/ Alex Schulz

For Movant